

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**GLEN E CADDELL**  
Claimant

**APPEAL NO. 08A-UI-02041-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HUBER SLATS INC**  
Employer

**OC: 01-20-08 R: 03**  
**Claimant: Respondent (4-R)**

Iowa Code § 96.5(1)a – Voluntary Leaving/Other Employment

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the February 18, 2008, reference 02, decision that allowed benefits. After due notice was issued, a hearing was held on March 13, 2008. The claimant did participate. The employer did participate through Zana Ennis, bookkeeper, and Bill Huber, Owner.

**ISSUE:**

Did the claimant voluntarily quit his employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: Claimant was employed as a truck driver full time beginning May 14, 2007 through December 18, 2007 when he voluntarily quit.

On December 18, the claimant said he would no longer work for the employer. The claimant quit to go work for another employer, J & B Express. Continued work was available for the claimant if he had not quit. The claimant quit Huber Slats to accept other employment at J & B Express. The claimant's last employer was J & B Express.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment to accept employment elsewhere.

Iowa Code § 96.5-1-a provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

a. The individual left employment in good faith for the sole purpose of accepting other or better employment, which the individual did accept, and the individual performed services in the new employment. Benefits relating to wage credits earned with the employer that the individual has left shall be charged to the unemployment compensation fund. This paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

Even though the separation was without good cause attributable to the employer and would, standing alone, disqualify the claimant from receiving benefits, the claimant did leave in order to accept other employment at J & B Express and did perform services for the subsequent employer. Accordingly, benefits are allowed and the account of the employer shall not be charged.

**DECISION:**

The February 18, 2008, reference 02, decision is modified in favor of the appellant. The claimant voluntarily left his employment in order to accept other employment. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (account number 244245) shall not be charged.

**REMAND:**

It appears that there has been no fact-finding interview or investigation into the claimant's last employer, J & B Express which is remanded for an initial review and determination.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/pjs